IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.69 of 2013

Pramod Kumar Choudhury .... ***Petitioner***

None

-versus-

State Bank of India (ADB), Khodasinghi Branch, Berhampur, District-Ganjam and Another .... ***Opp. Parties***

Mr. Himanshu Patnaik,
Advocate for the Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
26.07.2022

Order No.

19. **1.** This matter is taken up through hybrid arrangement (virtual/physical mode).

2. The brief facts of the case is that one Mrs. Gitanjali Choudhury, the wife of the petitioner availed an Agricultural Term Loan with limit of Rs.33,75,000/- on 17.03.2008 from the State Bank of India/Opposite Party No.1 by mortgaging an immovable property and by making the Petitioner/ Pramod Kumar Choudhury as guarantor to open a dairy farm. The Project was also sponsored by the Agricultural Promotion and Investment Corporation of Orissa Ltd. (APICOL) and assured Mrs. Choudhury of some capital Investment Subsidy.

3. It is the claim of the Petitioner that though the project was started, the subsidy assured by APICOL was disbursed only on 29th March 2010, causing unnecessary delay in payment of loan. It was also claimed that the loan was not disbursed in timely manner resulting in losses to the project of the Petitioner. Subsequently, Mrs. Gitanjali Choudhury lost her life on 07.07.2009 and her husband/ Petitioner was under the obligation to repay the loan. It is claimed by the Petitioner that he had approached the Bank/Opposite Parties on many occasion to rephrase the loan but with no result. In the meantime, the State Bank of India/Opposite Party issued a letter dated 03.11.2012 asking the Petitioner to deposit an amount of Rs.14,48,349/- within 30 days or else recovery process would be initiated by the Bank/Opposite Party.

4. Aggrieved by this letter dated 03.11.2012, the Petitioner approached this Court to direct the Opposite Party to accept the OTS proposal of the Petitioner. This Court vide order dated 03.01.2013 ordered for *status quo* to be maintained with respect to the property of the Petitioner till 10.02.2013 subject to the Petitioner depositing a total of Rs.5,00,000/- in two equal installments. One installment to be paid before 21.01.2013 and another installment before 15.02.2013. On 14.02.2013, the Petitioner had entered appearance and submitted that the first installment has been paid. However, the payment of second installment was not made clear in the subsequent proceedings.

The matter was referred to Lok-Adalat for settlement but due to non-appearance of both the parties, such endeavour failed and consequently, the matter was referred to this Court.

On 05.07.2022 the matter was taken up and the Opposite Party/Bank was directed to verify the present status of the loan account and the matter was listed on 26.07.2022.

5. At the time of hearing, learned counsel for the Bank submitted that the loan account bearing No.ATL 30353162309 has been closed on 05.10.2016.

None has come present to refute the aforesaid factual position.

6. In view of the above, the Writ Petition is dismissed as infructuous.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

AKK 26th July, 2022
Cuttack